

House Amendment 8448

PAG LIN

1 1 Amend House File 2484, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 39, line 25, by striking the word <to>
1 4 and inserting the following: <shall apply to and may
1 5 be collected by>.
1 6 #2. Page 39, by inserting after line 27 the
1 7 following:
1 8 <Nothing in this section shall be construed to
1 9 change the prohibition against the sale of title
1 10 insurance or sale of insurance against loss or damage
1 11 by reason of defective title or encumbrances as
1 12 provided in section 515.48, subsection 10.>
1 13 #3. Page 39, by inserting after line 27 the
1 14 following:
1 15
1 16 REAL PROPERTY FINANCIAL LIABILITY
1 17 Sec. _____. NEW SECTION. 455B.751 DEFINITIONS.
1 18 As used in this division, unless the context
1 19 otherwise requires:
1 20 1. "Acquired" means purchased, leased, obtained by
1 21 inheritance or descent and distribution, or obtained
1 22 by foreclosure sale under chapter 654, nonjudicial
1 23 voluntary foreclosure under section 654.18, deed in
1 24 lieu of foreclosure under section 654.19, foreclosure
1 25 without redemption under section 654.20, or
1 26 nonjudicial foreclosure of nonagriculture mortgages
1 27 under chapter 655A.
1 28 2. "Hazardous substance" means the same as defined
1 29 in section 455B.381 or 455B.411.
1 30 3. "Hazardous waste" means the same as defined in
1 31 section 455B.411.
1 32 4. "Potentially responsible party" means a person
1 33 whose acts or omissions were a proximate cause of the
1 34 contamination of the acquired property, or a person
1 35 whose negligent acts or omissions are a proximate
1 36 cause of injury or damages resulting from exposure to
1 37 such contamination. Injury or damages to persons or
1 38 property arising by reason of contamination that
1 39 migrates from the acquired property shall not be
1 40 deemed to be caused by an act or omission of the
1 41 person that acquired the property, except to the
1 42 extent that the act or omission of such person
1 43 exacerbated the release of such contamination.
1 44 5. "Regulated substance" means the same as defined
1 45 in section 455B.471.
1 46 6. "Response action" means any action taken to
1 47 reduce, minimize, eliminate, clean up, control,
1 48 assess, or monitor a release of hazardous substances,
1 49 hazardous waste, or regulated substances to protect
1 50 the public health, safety, or the environment.
2 1 7. "Third party" means any person other than a
2 2 person that holds indicia of title to property as
2 3 identified in section 455B.752, subsection 1, or that
2 4 has acquired property as identified in section
2 5 455B.752, subsection 2.
2 6 8. "Third-party liability" means any liability or
2 7 obligation, other than contractual obligations that
2 8 specifically waive all or part of the immunity
2 9 provided by section 455B.752, arising out of or
2 10 resulting from contamination of property by a
2 11 hazardous substance, hazardous waste, or a regulated
2 12 substance, including without limitation, claims for
2 13 illness, personal injury, death, consequential
2 14 damages, exemplary damages, lost profits, trespass,
2 15 loss of use of property, loss of rental value,
2 16 reduction in property value, property damages, or
2 17 statutory or common law nuisance.
2 18 Sec. _____. NEW SECTION. 455B.752 IMMUNITY FROM
2 19 THIRD-PARTY LIABILITY.
2 20 A person that holds indicia of ownership of
2 21 property contaminated by a hazardous substance,
2 22 hazardous waste, or regulated substance, and that
2 23 satisfies all of the conditions provided in section
2 24 455B.381, subsection 7, paragraphs "a", "b", and "c",

2 25 or section 455B.471, subsection 6, paragraph "b",
2 26 subparagraphs (1), (2), and (3), or a person that has
2 27 acquired property contaminated by a hazardous
2 28 substance, hazardous waste, or regulated substance,
2 29 shall not be liable to any third party for any third=
2 30 party liability arising from such contamination
2 31 provided that all of the following apply:
2 32 1. The person does not knowingly cause or permit a
2 33 new or additional hazardous substance, hazardous
2 34 waste, or regulated substance to arise on or from the
2 35 acquired property that injures a third party or
2 36 contaminates property owned or leased by a third
2 37 party.
2 38 2. The person is not a potentially responsible
2 39 party or affiliated with any potentially responsible
2 40 party by reason of any of the following:
2 41 a. Any direct or indirect familial relationship.
2 42 b. Any contractual, corporate, or financial
2 43 relationship, other than a contractual, corporate, or
2 44 financial relationship that is created by the
2 45 instruments by which title to the property is conveyed
2 46 or financed or by a contract for the sale of goods or
2 47 services.
2 48 c. A reorganization of a business entity that is
2 49 or was a potentially responsible party.
2 50 Sec. _____. NEW SECTION. 455B.753 ACCESS TO
3 1 PROPERTY.
3 2 A person that holds indicia of title to property or
3 3 a person that has acquired property as identified in
3 4 section 455B.752, shall provide reasonable access to
3 5 the acquired property to any potentially responsible
3 6 party or to any authorized regulatory authority for
3 7 the purpose of investigating or evaluating any
3 8 contamination, planning, or preparing a remedial plan
3 9 for any abatement of the contamination, and for any
3 10 required remediation.
3 11 Sec. _____. NEW SECTION. 455B.754 LEGAL
3 12 RESPONSIBILITY.
3 13 This division shall not be interpreted to affect
3 14 the legal responsibility to the state to conduct
3 15 response actions under any applicable state law. This
3 16 division shall not be interpreted to affect or provide
3 17 immunity from any criminal liability.
3 18 Sec. _____. EFFECTIVE DATE. This division of this
3 19 Act, being deemed of immediate importance, takes
3 20 effect upon enactment.>
3 21 #4. Title page, line 1, by striking the word
3 22 and inserting the following: 3 23 property institutions and assets>.
3 24 #5. Title page, by striking lines 2 and 3 and
3 25 inserting the following: 3 26 unions, real property loan lenders, and real property
3 27 financial liability.>
3 28 #6. By renumbering, relettering, or redesignating
3 29 and correcting internal references as necessary.
3 30 HF 2484.S
3 31 kk/cc/26